

REMARKS

By this Amendment, claims 1, 6 and 8 are amended to clarify while broadening the allowable subject matter, the specification is amended to correct an obvious typographical error and FIG. 1 is amended to conform with the teachings of the specification. Claims 1-13 are pending.

Applicant thanks the Examiner for the personal interview so courteously conducted on January 18, 2005. In accordance with the matters discussed during that personal interview, Applicant amends claims 1, 6 and 8 to clarify that the game board has spaces marked with a plurality of indicia arranged and numbered according to a plurality of rows of a Pascal's Triangle. Additionally, claim 8 is amended to overcome the rejection under 35 U.S.C. 112, second paragraph and claims 2 and 8 are amended to broaden the scope of those claims by not limiting actions performed to those performed under the title of "pranks." No new matter has been submitted.

The Office Action objected to the specification due to a typographical error, which has been corrected by this Amendment.

The Office Action also objected to the drawings asserting that the claimed random number generator is not shown. Applicant has overcome this objection because the specification, at paragraph [0040] spanning pages 9 and 10, teaches that the random number generator may be a die 107 and Applicant has amended FIG. 1 to include illustration of the die 107. Accordingly, the objection is overcome.

The Office Action rejected claims 8-13 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to include recitation of proper environment/apparatus and proper sequential method steps. As discussed during the personal interview, Applicant has amended claim 8 to overcome this rejection based on the recommendations of the Examiner provided during the personal interview. Thus, Applicant submits that claims 8-13 are now in full compliance with 35 U.S.C. 112..

The Office Action rejected claims 1-7 under 35 U.S.C. 103(a) as being unpatentable over a very old reference, Small (U.S. 3,892,408), based on the dictates of patentability set forth in Ex Parte Breslow (192 USPQ 431). The Office Action also rejected claims 8, 9, 12 and 13 under 35 U.S.C. 103(a) as being unpatentable over Ludwick (U.S. 4,938,482).

Applicant traverses the rejections because no combination of the cited prior art references teaches or suggests all the features recited in the rejected claims. For example, as explained during the personal interview, Small or Ludwick, analyzed individually or in combination, fail to teach or suggest the recited gaming apparatus comprising “a game board having spaces marked with a plurality of indicia arranged and numbered according to a plurality of rows of a Pascal’s Triangle,” as recited in independent claim 1 and its dependent claims 2-7, or the claimed gaming method comprising “providing a game board having spaces marked with a plurality of indicia arranged and numbered according to a plurality of rows of a Pascal’s Triangle” as recited in independent claim 8 and its dependent claims 9-13.

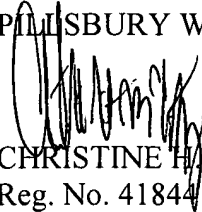
Neither Small or Ludwick provide any teaching whatsoever regarding a Pascal’s Triangle or a game or gaming method using a game board having spaces both marked with a plurality of indicia that are both (1) arranged and (2) numbered according to a plurality of rows of a Pascal’s Triangle. As explained during the personal interview, the nature of a Pascal’s Triangle is described in the Appendix to the present application and involves more than mere geometric shape. A Pascal’s Triangle includes numbers which have a mathematical and geometrical relationship with each other within the Triangle, thereby providing specialized mathematical properties. Because neither Small or Ludwick even suggest using a game board of such a configuration, the prior art rejections are traversed. Claims 1-13 are allowable.

All objections have been addressed. If anything further is necessary to place the application in condition for allowance, Applicant requests that the Examiner contact Applicant’s undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP LLP



CHRISTINE H. MCCARTHY

Reg. No. 41844

Tel. No. 703. 905.2143

Fax No. 703 905.2500

Date: January 27, 2005
P.O. Box 10500
McLean, VA 22102
(703) 905-2000

IN THE DRAWINGS:

Please see attached Replacement Figure 1 in which the die 107 is illustrated in accordance with the teachings of the specification.